ORDINANCE NO. 5, SERIES 1991
AN ORDINANCE REGULATING OPEN BURNING

WHEREAS; The safety and welfare of the citizens of Elgin and that of their property requires the regulation of open burning.

NOW THEREFORE, THE CITY OF ELGIN ORDAINS AS FOLLOWS:

Section 1. Definitions.

A. Open burning means all burning conducted outside the limits of an enclosed building such as a residence, shop, store, garage, etc.

B. A burning container is an enclosed container of non-combustible material such as ferrous metal or masonry and screened with metal wire mesh. The container shall be constructed so as to entirely contain the combustible wastes and to prevent any burning materials from leaving the container while burning.

D. Wire mesh or screening is to mean a ferrous metal wire mesh or screen with openings small enough to entirely confine the burning material within the burning container. Openings within the screen or mesh are to be less than 1 square inch in area.

E. Unconfined burning pile is a pile of combustible organic materials suitable for burning, located within a proper safety area.

F. Safety area is to mean an area free of combustible materials surrounding the burning container or an open unconfined burning pile, of sufficient size so as to prevent the kindling of any secondary fire.

G. Safety equipment is to mean water, either in containers or by garden hose, and shovels, rakes, or any other such items that are required for extinguishing of a permitted fire.

H. A responsible person is to mean a person who is reasonably capable of extinguishing an open burning fire or accidental secondary fire.

I. Nuisance burning is to mean any burning that is in violation of OAR or other State regulations, or any burning that causes a nuisance as defined by City Ordinance.

Section 2. Burning Regulations.

A. Nuisance burning is prohibited. Regulations governing burning that is harmful to persons or the environment are defined in the Oregon Administrative Rules; Chapter 340, Division 23. The Department of Environmental Quality, DEQ, as the primary enforcement agency of these regulations will be informed of such violations. City of Elgin Ordinance 9, Series 1981 defines general nuisances, and will set the standard for defining burning as a nuisance.

B. All open burning shall be limited to the hours from 6:00 a.m. to 7:00 p.m. All open burning fires are to be completely extinguished outside of this prescribed time limit.

C. During a period of fire hazard, burning hours will be further restricted under the direction of the State Fire Marshall, and/or the Fire Chief of the City of Elgin .

D. Burning hours restrictions shall not apply to supervised controlled burning conducted by the Elgin Fire Department.

Section 3. Safety.

A. Burning containers or open unconfined burning piles shall be located so as to provide a safety area around any open burning.

B. All unconfined burning piles shall be constantly supervised. Safety equipment shall be readily available during burning, for use in extinguishing the fire or any accidental secondary fire.

C. Open burning is permitted without constant supervision in a burning container. Safety equipment shall be readily available, and a responsible person shall be on the premises.

D. No open burning shall be permitted if, in the sole judgement of the Fire Chief, such open burning would constitute a fire safety hazard.

Section 4. Responsibility.

A. Open burning shall be conducted only by a responsible person or a person directly supervised by a responsible person.

B. The responsible person in charge of conducting open burning shall be held liable for all damage resulting from the burning, and will be subject to any penalties for the violation of this ordinance or the regulations of the State of Oregon.

Section 5. Penalties.

A person violating any provision of this ordinance or any order issued under authority of this ordinance shall, upon conviction, be fined an amount not to exceed $500.

Section 6. Conflicting Ordinances

Any ordinance of the City of Elgin which is in conflict with this ordinance is hereby repealed in as much as it is in conflict herewith. All other provisions of any such ordinance remains in effect.

Section 7. Severability.

The sections and subsections of this ordinance are severable. The invalidity of any section or subsection shall not affect the validity of the remaining sections or subsections of this ordinance.

PASSED AND ADOPTED THIS 11th DAY OF June, 1991, BY Six (6) COUNCIL MEMBERS VOTING THEREFORE.

Floyd Galt 6-12-91
CITY RECORDER

Rod Spikes yes
MAYOR vote

Roger Owen Yes
CITY COUNCILOR vote

Lesta Churchill yes
CITY COUNCILOR vote

Kevin J Cooper Yes
CITY COUNCILOR vote

Clayton K Breckon
CITY COUNCILOR vote

J Bud Rogers Yes
CITY COUNCILOR vote

Absent
CITY COUNCILOR vote

ORDINANCE NO. 5, SERIES 1991
AN ORDINANCE REGULATING OPEN BURNING

WHEREAS; The safety and welfare of the citizens of Elgin and that of their property requires the regulation of open burning.

NOW THEREFORE, THE CITY OF ELGIN ORDAINS AS FOLLOWS:

Section 1. Definitions.

A. Open burning means all burning conducted outside the limits of an enclosed building such as a residence, shop, store, garage, etc.

B. A burning container is an enclosed container of non-combustible material such as ferrous metal or masonry and screened with metal wire mesh. The container shall be constructed so as to entirely contain the combustible wastes and to prevent any burning materials from leaving the container while burning.

D. Wire mesh or screening is to mean a ferrous metal wire mesh or screen with openings small enough to entirely confine the burning material within the burning container. Openings within the screen or mesh are to be less than 1 square inch in area.

E. Unconfined burning pile is a pile of combustible organic materials suitable for burning, located within a proper safety area.

F. Safety area is to mean an area free of combustible materials surrounding the burning container or an open unconfined burning pile, of sufficient size so as to prevent the kindling of any secondary fire.

G. Safety equipment is to mean water, either in containers or by garden hose, and shovels, rakes, or any other such items that are required for extinguishing of a permitted fire.

H. A responsible person is to mean a person who is reasonably capable of extinguishing an open burning fire or accidental secondary fire, ~~and is financially able to pay for any damages resulting from carelessness in attending such fire~~ JJC 6-4-91

I. Nuisance burning is to mean any burning that is in violation of OAR or other State regulations, or any burning that causes a nuisance as defined by City Ordinance.

Section 2. Burning Regulations.

A. Nuisance burning is prohibited. Regulations governing burning that is harmful to persons or the environment are defined in the Oregon Administrative Rules; Chapter 340, Division 23. The Department of Environmental Quality, DEQ, as the primary enforcement agency of these regulations will be informed of such violations. City of Elgin Ordinance 9, Series 1981 defines general nuisances, and will set the standard for defining burning as a nuisance.

B. All open burning shall be limited to the hours from 6:00 a.m. to 7:00 p.m. All open burning fires are to be completely extinguished outside of this prescribed time limit.

C. During a period of fire hazard, burning hours will be further restricted under the direction of the State Fire Marshall, and/or the Fire Chief of the City of Elgin.

JJC 6-4-91 D. Burning Hours restriction shall not apply to supervised/Contained burning Conducted by Fire Department.

Section 3. Safety.

A. Burning containers or open unconfined burning piles shall be located so as to provide a safety area around any open burning.

B. All unconfined burning piles shall be constantly supervised. Safety equipment shall be readily available during burning, for use in extinguishing the fire or any accidental secondary fire.